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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,926	06/25/2001	John Ruckart	60027.0003US01/BS00376	9717
23552	7590	04/07/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			GAUTHIER, GERALD	
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DATE MAILED: 04/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/888,926	RUCKART, JOHN
	Examiner Gerald Gauthier	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 January 2004.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) 8 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-2, 5-6 and 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Latter et al. (US 6,332,021) in view of Pelletier et al. (US 6,608,891).

Regarding **claim 1**, Latter discloses convenience features in a method for providing enhanced caller identification (column 1, lines 8-11), (which reads on claimed "a method of providing audio caller identification"), comprising the steps of: receiving a call (column 5, line 15 "a call"), the call being associated with a directory number (column 5, lines 12-17) [The central office in an attempt to connect the call from the calling party routes the call to SSP]; querying a network database (242 on FIG. 3) in a telecommunications network for caller identification information (column 5, line 26 "standard Caller ID information") associated with the call (column 5, lines 18-36) [The SSP generates a query to the SCP for the Caller ID information].

Latter discloses transmitting an audible caller identification to the called station but fails to disclose sending the caller identification information to a caller identification device and synthesizing and playing an audio message.

However Pelletier teaches sending the caller identification information to a caller identification device (column 8, lines 46-52); and

synthesizing and playing an audio message related to the caller identification information associated with the call and displaying the caller identification information associated with the on the caller identification device, wherein the audio message is stored by the telecommunications network and wherein the caller identification information comprises directory information (column 9, lines 25-44) [The caller ID system provides caller directory information to the call receiving party on a display].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the CID unit where caller information can be displayed and synthesized to audibly output the information to the called party of Pelletier in the SN/IP of Latter.

The modification of the invention would offer the capability of the CID unit where caller information can be displayed and synthesized to audibly output the information to the called party such as the system would provide an information service for the subscriber quickly obtain the desired information.

Regarding **claims 2, 6 and 9**, Pelletier teaches prior to the step of synthesizing and playing an audio message, saving a recorded audio message associated with the directory number (column 7, lines 33-49);

comparing the directory number associated with the call with the directory number associated with the recorded audio message (column 7, lines 7-32);

if the directory number associated with the call matches the directory number associated with the recorded audio message, playing the recorded audio message and displaying the caller identification information associated with the call (column 8, lines 28-52); and

if the directory number associated with the call does not match the directory number associated with the recorded audio message, then performing the step of synthesizing and playing an audio message related to the caller identification information associated with the call (column 8, lines 46-52).

Regarding **claim 5**, Latter discloses convenience features in a method for providing enhanced caller identification (column 1, lines 8-11), (which reads on claimed "a method of providing audio caller identification in an Advanced Intelligent Network"), including a switch (220 on FIG. 3), a service control point (240 on FIG. 3), a service node (250 on FIG. 3) and a database (242 on FIG. 3) of caller identification information, wherein the service control point and the service node are functionally connected to the switch (FIG. 3), and wherein the method comprises the steps of:

receiving a call (column 5, line 15 "a call") from a calling party (262 on FIG. 3) at a calling party switch (260 on FIG. 3) directed to a called party (222 on FIG. 3) at a called party switch (220 on FIG. 3);

sending call information associated with the call to the service control point, the call information including the directory number of the calling party (column 5, lines 18-36) [The SSP generates a query to the SCP for the Caller ID information];

at the service control point, querying the database of caller identification information for caller identification information associated with the call (column 5, lines 37-60) [The service control point accesses a database to retrieve call control information].

Latter discloses transmitting an audible caller identification to the called station but Latter fails to disclose causing the service node to synthesize and send an audio message, playing an audio message and displaying the caller identification information.

However Pelletier teaches causing the service node to synthesize and send an audio message related to the caller identification information associated with the call to a called party caller identification device via the called party switch (column 8, lines 46-52); and

at the called party caller identification device, playing the audio message and displaying the caller identification information associated with the call, and wherein the caller identification information comprises directory information (column 9, lines 25-44) [The caller ID system provides caller directory information to the call receiving party on a display].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the CID unit where caller information can be displayed and synthesized to audibly output the information to the called party of Pelletier in the SN/IP of Latter.

The modification of the invention would offer the capability of the CID unit where caller information can be displayed and synthesized to audibly output the information to the called party such as the system would provide an information service for the subscriber quickly obtain the desired information.

Regarding **claim 8**, Latter discloses convenience features in a system for providing enhanced caller identification (column 1, lines 8-11), (which reads on claimed "a system for providing audio caller identification"), comprising:

a software module (22 on FIG. 1) operative to query a network database (242 on FIG. 3) in a telecommunications network for caller identification information (column 5, line 26 "standard Caller ID information") associated with a call (column 5, line 15 "a call") from a calling party (262 on FIG. 3) to a called party (222 on FIG. 3), the call being associated with a directory number (column 5, lines 12-17) [The central office in an attempt to connect the call from the calling party routes the call to SSP] .

Latter discloses transmitting an audible caller identification to the called station but Latter fails to disclose to send the caller identification information to a caller identification device, and to synthesize and play an audio message.

However Pelletier teaches to send the caller identification information to a caller identification device (column 8, lines 46-52);

the caller identification device, operative to receive the caller identification information (column 8, lines 46-52);

to synthesize and play an audio message related to the caller identification information associated with the call and to display the caller identification information associate with the call on the caller identification device, wherein the caller identification information comprises the directory number, wherein the audio message is stored by the telecommunications network for playback by a speaker functionally connected to the caller identification device (column 9, lines 25-44) [The caller ID system provides caller directory information to the call receiving party on a display].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the CID unit where caller information can be displayed and synthesized to audibly output the information to the called party of Pelletier in the SN/IP of Latter.

The modification of the invention would offer the capability of the CID unit where caller information can be displayed and synthesized to audibly output the information to the called party such as the system would provide an information service for the subscriber quickly obtain the desired information.

Regarding **claim 10**, Latter discloses convenience features in a method for providing enhanced caller identification (column 1, lines 8-11), (which reads on claimed "a method of providing audio caller identification"), comprising the steps of:

    saving a recorded audio message (column 2, line 62 "state his/her name for recording") associated with a directory number (column 3, lines 10-29);

    receiving a call (column 5, line 15 "a call"), the call being associated with the directory number (column 5, lines 12-17) [The central office in an attempt to connect the call from the calling party routes the call to SSP];

    querying a database (242 on FIG. 3) for caller identification information associated with the call (column 5, lines 18-36) [The SSP generates a query to the SCP for the Caller ID information];

    sending the caller identification information to a caller identification device, wherein the caller identification information comprises directory information (column 5, lines 18-36);

    comparing the directory number associated with the call with the directory number associated with the recorded audio message (column 5, lines 18-36);

    if the directory number associated with the call matches the directory number associated with the recorded message, playing the recorded audio message (column 5, lines 37-60) and displaying the caller identification information associated with the call on the caller identification device (column 7, lines 40-60).

Latter discloses transmitting an audible caller identification to the called station but Latter fails to disclose to send the caller identification information to a caller identification device, and to synthesize and play an audio message.

However Pelletier teaches if the directory number associated with the call does not match the directory number associated with the recorded message, synthesizing and playing an audio message related to the caller identification information associated with the call on the caller identification device (column 9, lines 25-44) [The caller ID system provides caller directory information to the call receiving party on a display].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the CID unit where caller information can be synthesized to audibly output the information to the called party of Pelletier in the SN/IP of Latter.

The modification of the invention would offer the capability of the CID unit where caller information can be synthesized to audibly output the information to the called party such as the system would provide an information service for the subscriber quickly obtain the desired information.

3. **Claims 3-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Latter in view of Pelletier and in further view of Horan (US 6,347,136).

Regarding **claim 3**, Horan teaches wherein the step of sending the caller identification information to a caller identification device includes ringing a telephone to which the caller identification device is functionally connected (column 5, lines 32-47);

wherein the step of playing the recorded audio message and displaying the caller identification information associated with the call includes suspending ringing the telephone while playing the recorded audio message (column 6, lines 24-36); and

wherein the step of playing an audio message related to the caller identification information associated with the call includes suspending ringing the telephone while playing the recorded audio message (column 6, lines 24-36).

Regarding **claim 4**, Horan teaches wherein the audio message is played over a speaker functionally connected to the caller identification device (column 6, lines 24-36).

4. **Claims 1-2, 5-6 and 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Latter et al. (US 6,332,021) in view of Pelletier et al. (US 6,608,891).

Regarding **claim 7**, Birckbichler discloses after the step of receiving a call from a calling party at a calling party switch directed to a called party at a called party switch, receiving at the service node a recorded audio message from the calling party directed to the called party (column 2, lines 56-59);

sending the recorded audio message from the calling party to a called party caller identification device via the called party switch (column 4, lines 4-8); at the called party caller identification device, playing the recorded audio message from the calling party (column 4, lines 8-14); and if no recorded audio message is received from the calling party directed to the called party, then performing the steps of: if the directory number associated with the call matches the directory number associated with the recorded audio message, sending the recorded audio message to a called party caller identification device via the called party switch (column 4, lines 8-14); at the called party caller identification device, playing the recorded audio message and displaying the caller identification information associated with the call (column 4, lines 8-14); and if the directory number associated with the call does not match the directory number associated with the recorded audio message, then performing the step of causing the service node to synthesize and send an audio message related to the caller identification information associated with the call to a called party caller identification device via the called party switch (column 3, lines 27-35).

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

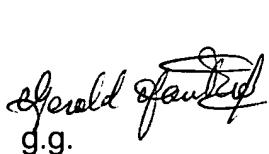
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
g.g.

Allan Hoosain  
ALLAN HOOSAIN  
PRIMARY EXAMINER  
for  
Fan Tsang

April 5, 2004